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JOHN BANNISTER GIBSON, LL.D.

Late Chief Justice of the Supreme
Court of Pennsylvania,
and
Some of His Family



PROCEEDINGS OF
THE HAMILTON LIBRARY ASSOCIATION
OF CARLISLE, PENNSYLVANIA
NOVEMBER 24, 1911

ADDRESS
ON PRESENTATION OF
A BUST OF JUDGE GIBSON
ON BEHALF OF HIS GRANDSON
THOMAS P. ROBERTS, ESQ.

BY
JOHN HAYS, Esq.

AND
ACCEPTANCE FOR THE ASSOCIATION

BY
DR. CHARLES F. HIMES, PH. D., LL. D.,
PRESIDENT OF THE ASSOCIATION

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MR. HAYS:

MR. PRESIDENT AND MEMBERS OF THE HAMILTON LIBRARY
ASSOCIATION, LADIES AND GENTLEMEN:—

Longfellow in his "Psalm of Life" beautifully says:

"Lives of Great Men all remind us,
We can make our lives sublime
And departing leave behind us
Foot prints in the sands of time."

Those sands may be upon the shores of the Ocean of Eternity, upon the great plain beyond or about the foot hills of the Delectable Mountains, but the first tide of that Ocean, the first rain that falls upon that plain, the first wind that sweeps about those foot hills, following those foot-prints, will scarcely leave a trace of them.

Names and glorious deeds of ancient heroes have been carved upon enduring rocks, but learned experts today dispute about both names and deeds. Modern scientists and learned explorers have discovered, embalmed and laid away in rock-hewn mausoleums or concealed in towering pyramids, dried-up mummies, once living, active, dominant human beings. Name, rank and time of living have been assigned to those people and denied. Only the mummies remain.

"O Heavens!" says Hamlet, "die two months ago, and not forgotten yet! Then there's hope a great man's memory may outlive his life half a year" (Hamlet, Act III, Scene 2). The tide, the rain and the wind leave little of those "foot-prints in the sands of time." To this conclusion must come those who seek for traces of two generations of the Gibson Family, and yet two brothers of the name were educated gentlemen and soldiers of renown.

Thus the Recorder's Office of Cumberland County, Pennsylvania discloses very few transactions by the Gibson Family.

There is not a single conveyance to or from the first George Gibson. But years ago the papers of an estate in process of settlement contained a large parchment deed to George Gibson, Tavernkeeper of Lancaster, Penna. It was for a body of land on the Conodoguinet Creek. One of the adjoiners called for was Blaine's land on the east. It must have been not earlier than 1770, for Blaine only acquired that land about 1769 or 1770, and built the Cave Mill in the year 1772. A diligent search has been made for that deed, but without result. The fact, therefore, of such purchase about that time, by George Gibson, can not be established. The search, however, brought out three other conveyances—one to George Gibson and two from him and his wife for land in Cumberland County. The first was a Patent on parchment from "*Thomas Penn and Richard Penn*, Esquires, true and absolute proprietaries and Governors in Chief of the Province of Pennsylvania and Counties of Newcastle, Kent and Sussex on Delaware by Anthony Palmer, Esq., President of the Council of the Province of Pennsylvania aforesaid, who in pursuance and by virtue of certain powers and authorities to him for that purpose (*inter alia*) granted by the said proprietaries has hereunto set his hand and caused the great seal of the said proprietaries to be hereto attached at Philadelphia this Nineteenth day of November, in the year of Our Lord One Thousand Seven Hundred and Forty-seven, the Twenty-first year of the Reign of King George II, over Great Britain, etc., and the Thirtieth year of the said proprietaries Government." This patent was issued by virtue of a warrant dated October 28th, 1746, to *George Gibson*, of the County of Lancaster. It was for "a Tract of Land situate on Conodoguinet Creek in Pennsboro Township within the said County and described as follows: Beginning at a marked hickory by the side of the said creek and thence extending by Joseph Mitchell's land East two hundred and twenty-five perches to a marked elm by the said creek, thence up the same on the several courses thereof five hundred and eighty perches to the place of beginning, containing two hundred and thirty-two

acres, and the allowance of six acres per cent for roads and highways." The consideration was 35 pounds, 19 shillings and and two pence, which would be a little more than fifty cents per acre. The tract was approximately in the form of the capital letter "D". It will be noticed that the Patent issued before the formation of Cumberland County and before other townships were taken out of Pennsboro, and leaving it as it now stands East Pennsboro and West Pennsboro. The land is in the present township of North Middleton, and extends from Waggoner's Bridge by the Creek to the Cave Hill Farm. It has been divided into three farms, two of which are owned by me. The Patent for it was recorded in the Recorder's Office for the City and County of Philadelphia, in Patent Book A. Vol. 15, page 508.

On March 25th, 1748, *George Gibson*, of the County of Lancaster, in the province of Pennsylvania, *Innholder*, and *Martha* his wife in consideration of 150 pounds Pennsylvania currency, conveyed the land to Richard Peters, Esq., of Philadelphia. This Deed was acknowledged before Thomas Cookson, Recorder, and recorded by him in Lancaster County in Book "B", p. 179. The third old deed is a short form of the second of the same date signed by George Gibson and his wife Martha, their signatures duly witnessed but unacknowledged and unrecorded.

The signatures to these original papers indicate more than ordinarily strong characters. They would grace any important document and the characters they disclose were transmitted to their descendants. They cannot be denied by any of the Gibson Family.

The two sons of this George Gibson were John and George, born respectively May 23rd, 1740, and October 10th, 1747. As the Patent to George Gibson is dated November 19th, 1747, and his son George was born October 10th, 1747, it follows that Martha was the mother of George Gibson, the younger, as she was living and signed the deed of March 25th, 1748, when George was less than six months old. If George Gibson, the elder, was married to Elizabeth DeVinez as stated in the foot

note on page 12 of "Memoirs of John Bannister Gibson, late Chief Justice of Pennsylvania," by his grandson, Mr. Thomas P. Roberts, she must have been a second wife and a step-grandmother and not the grandmother remembered by Gen. George Gibson, a grandson of George Gibson and Martha his wife.

Only one deed to George Gibson the second is found in the records of Cumberland County, and it is in Record Book H, Vol. 1, page 464. It is dated Nov. 12, 1787, and is for 50 acres of land in Tyrone Township, now Perry County. It was from William West, then of the town of Baltimore, Maryland, and was executed in Carlisle in the presence of Edward West and Thomas Foster. It recites an order of survey No. 246, dated January 17th, 1767, in the name of the said William West, who declares that he took out the warrant for George Gibson, who had paid for it, and, therefore, at the request of the said George Gibson he conveyed the land to him. This deed is specially referred to for the reason that it shows George Gibson to have been acquainted with the West family when he was but a few months over 19 years old, and that he had the confidence of the family to such an extent that William West took out a warrant for land when George was a minor and could not take it out for himself. That acquaintance doubtless led up to his marriage with Miss West, a sister of William and Edward West. It is possible that he was here at a sister's home, as one of his two sisters married a Mr. Reed, of Middlesex.

The records disclose one other grant to this George Gibson (Record Book H, Vol. 1, page 328). It is dated September 5th, 1787, and is from the Supreme Executive Council of Pennsylvania, and confers upon him the position of Lieutenant of Cumberland County—having charge of the Militia of the County—a position formerly held by Col. Ephraim Blaine, and conferred in each case because of acknowledged military ability. The Records disclose no more of the first two George Gibsons—father and son. Their feet trod the solid earth and left no "prints upon the sands of time."

The old tax lists are just as unresponsive as the records of conveyances. There were Gibsons in Pennsboro Township, in Carlisle, in Middleton Township and in and around Shippensburg at a very early date, and they are found among the earliest lists of taxables, but if they were of kin to George Gibson, Innholder of Lancaster, the fact has never been disclosed. The name George Gibson does not appear in any of the early lists of taxables. The nearest approach to it is George Gilston who first appears in Middleton Township in 1772 as taxable for 100 acres of land of which 30 acres were cleared, 2 horses, 2 cows and 4 sheep. In 1773 the name is George Gilstone assessed for the same amount of land, 2 horses, 3 cows and 6 sheep. In 1775 the name is again George Gilston, 100 acres of land, 40 acres cleared, 2 horses, 4 cows and 2 sheep. With that year of 1775 the name drops out of the list. On the list for Carlisle in the following year -1776—appears Martha Gibson, Renter 1 Lot. In 1777 it changes to "Widow Gibson," the word renter is dropped, and the assessment is for one lot. In 1778 it is again "Widow Gibson" and she is assessed for one house and lot. Thereafter her name ceases to appear. Were George Gilston of Middletown Township and Martha, the widow Gibson, of Carlisle, the George Gibson, Innholder of Lancaster, and Martha, his wife? Who can tell? "The sands of time" have filled in the foot-prints and conjecture only remains in regard to them. The fact remains, however, that George Gibson, Innholder of Lancaster, a man of gigantic size, died and was buried in the old graveyard of Carlisle where his enormous skeleton was uncovered and seen by living witnesses. One thing is sure. This George Gibson, Innholder of Lancaster, and Martha, his wife, gave to the world two great big sons, John Gibson and George Gibson—educated men and soldiers of renown serving their country in the warring times in which they lived. Like Scotch-Irishmen they did things—great things—and followed the Dutch maxim of "Sage nicht und sei still"—say nothing and be quiet. In this they were unlike our "down east" Puritan neighbors who when they ac-

completed anything great or small told the world of it as a hen cackles about her newly laid egg, and those Puritans have been cackling ever since they stumbled on to Plymouth Rock. Scotch-Irishmen did great things and did them as part of their allotted work, and had nothing to say about them.

John Gibson, the older son, Indian friend, trader and interpreter, soldier in the Forbes expedition in 1758, Indian prisoner in 1763 and 1764, surrendered to Boquet, Colonel in the Continental Army throughout the Revolutionary War, Major General of Militia, Member of the Constitutional Convention of Pennsylvania of 1790, Secretary and Acting Governor of the Territory of Indiana, Associate Judge, crowned his career with his translation of Indian Chief Logan's speech delivered by him to Governor Dunmore of Virginia. Thomas Jefferson declared it unsurpassed by any oration in ancient or modern times. It has gone into history, is known wherever the English language is understood and stands upon the plane of Mr. Lincoln's address at Gettysburg. He died April 16th, 1822 full of years and of honors. He would have been a great man anywhere and his father and his mother must have been great people.

George Gibson, the younger, was somewhat more than seven years younger than his brother John. His foot-prints first appear in this county in 1767, as the friend and acquaintance of the West family. Possibly he may have been with his brother as an Indian trader and in his brother's service may have been, as it is said, in what is now Silver Spring Township, in 1770. His brother John may have met Blaine during the Forbes expedition in 1758, and after Boquet's Expedition in 1763. Blaine became an officer in the Royal American Regiment in the Forbes expedition when a boy between 16 and 17 years old. He remained on the frontier until after the Boquet expedition had reached Fort Duquesne. He resigned from the Regiment and the Army late in 1763, or early in 1764. He was married in August, 1765, to Rebecca Galbraith and largely engaged in the milling business in what is now Silver Spring Township. At one time he was assessed for three mills in that township. He disappeared from the list of taxables there and appeared in

Middleton where he built the Cave Mill in 1772. George Gibson may have been looking after supplies at those mills for his brother John's trade with the Indians about 1770, but the tax lists do not show him a taxable either for property or as a free-man. That "foot-print" is very doubtful. From this time on his "foot-prints" with few exceptions are clear and distinct. In 1772 he married Ann West, a sister of the William West who in 1767 had taken out a land warrant in trust for his future brother-in-law, who was then a minor. She was a daughter of Francis West and was born 1744 near Sligo in Ireland. Francis West, according to the history of Cumberland County was President Judge of the Courts here from 1757 to 1791. He owned some 300 or 400 acres of land with a small grist mill on a small stream which empties into Sherman's Creek in the present county of Perry. The settlements in Sherman's Valley were among the earliest in this section of the country. Through it and through Path Valley, so named because of the Path, passed the new Allegheny Path to its junction with the old Path beyond the Mountains leading westward to the Allegheny River. The new Path left the great road at Middlesex ran northward and crossed the mountain at Sterrett's Gap into Sherman's Valley. An old warrant of March 17th, 1737, calls for that Allegheny Road as an adjoiner and the village north of Middlesex is to this day called Allegheny. Along that Path went the traders with supplies for the Indians on the Allegheny and Ohio Rivers and they passed by the home where George Gibson and Ann, his wife, afterwards lived. There in the little house nestling down between the hills and the mountains of Perry County on the bank of Sherman's Creek near the path that led the traders to the Western Indians, the five children of George Gibson and Ann, his wife, were born. One, a daughter, died in infancy. A son, supercargo of a ship, lived to be about 30 years old. The other three were Francis West Gibson, George Gibson and John Bannister Gibson, youngest of the three, who was born November 8th, 1780. The "foot-prints" are free from doubt. We are on the right trail. The Battle of Lexington had been

fought and its shots were heard around the world, and the world has not forgotten them yet. The ears of tyrants still ring with them. They flush cheeks and fire the eyes of all lovers of liberty. George Gibson heard those shots away out near old Fort Duquesne, rebaptized Pittsburgh. At once he gathered a band of 100 men, rough, uncontrolled characters of the frontier, who feared nothing, and their Captain was just as fearless as his men, though an educated, cultured gentleman. With his Company, because Pittsburgh was then under the jurisdiction of Virginia, he reported at the head of "Gibson's Lambs" as they were derisively called at Williamsburg, Virginia, to Gen. Hugh Mercer, then organizing Virginia troops to support the men of Lexington and Bunker Hill. Hugh Mercer was the young Assistant Surgeon who fled from the stricken field of Culloden in 1745, and came safely into the Cumberland Valley into Shippensburg, then the oldest town in the valley, where the Courts were held. He was the leading Captain under Armstrong in the capture of the Indian town of Kittanning, a Colonel of a Pennsylvania Regiment in the Forbes expedition against Fort Duquesne, the founder of Mercersburg, the friend of Washington, and by him induced to go to Fredericksburg, Virginia, where Mary, the mother of Washington lived, and Gibson found him at Williamsburg, organizing Virginia troops in the oncoming war for freedom. Later on, a Brigadier General in the Continental Army, he died the death of a soldier from wounds received at the Battle of Princeton. A son wrote and witnessed the will of Mary Washington. Today in a beautiful park in the City of Fredericksburg, Virginia, stands a lofty and stately shaft to General Hugh Mercer, the brave soldier of Prince Charles of Scotland, a hero of Pennsylvania, and the gallant leader of the soldiers of Virginia in the war for freedom. Nearby stands the beautiful monument erected by the women of America to the memory of Mary, the mother of George Washington. To this soldier of thirty years' experience, Captain George Gibson reported with his "Lambs." The "lambs" got hungry. They disdained the forage given them and they

started out to browse in richer pastures. General Mercer called out his troops and surrounded them. Like a wise General he did not punish them, but talked to them kindly, like "a dutch uncle." They became lamb-like in demeanor but lion-like in battle, and their Captain was admired and respected. The authorities applied to him as the one best acquainted with the Spanish language and best qualified for the purpose to negotiate with the Spanish of New Orleans for a supply of powder and lead for the Virginia troops and, incidentally, for the Patriot Army. He went to New Orleans and was so successful in his mission, and supplies of powder and lead came forward so satisfactorily, that Captain Gibson was made Colonel of the 1st Regiment of Virginia. He led that regiment, acting as one of the Continental Line, through the battles of the Revolution, until it was nearly annihilated. The war drew to a close Cornwallis surrendered, and by the order of Washington, Colonel George Gibson, in command of the troops detailed for the purpose, marched the British prisoners from Yorktown, in Virginia, to the town of York, in Pennsylvania, where he held them until they were sent to England. A few years at home, with a closer acquaintance with his sturdy boys, and then came his appointment as County Lieutenant in 1787, and the calls to all parts of the great territory then covered by Cumberland County. A very few years passed when an Army was formed to suppress the Indians in Ohio. Gibson was appointed Lieutenant Colonel and Active Commander of one of the Regiments. General Arthur St. Clair was placed in command of the forces and was especially cautioned by Washington to be always on the alert and above all things to avoid being ambushed or taken by surprise by the Indians. Then came the fatal 4th of November, 1791, when that happened which Washington feared and had specially cautioned St. Clair against—the army was taken by surprise and horribly routed and defeated on the Wabash, 90 miles north of Cincinnati. Colonel Gibson was mortally wounded, was carried from the field for 30 miles toward Cincinnati, died from his wounds and was buried there. When

the dispatch of the massacre reached Washington he fell into one of the few ungovernable rages of his life, as he did at General Lee at the battle of Monmouth, New Jersey, and swore worse than "our army in Flanders." But it could not bring back the gallant Gibson nor the heroic Butler from the Cumberland Valley. It could not restore the husband to the wife nor the father to the boys—the widow and the orphans at their home on the Westover Mill property on the bank of Sherman's Creek. Bravely she addressed herself to the education and training of her boys, giving them the fullest liberty in all manly sports. Straightened in means, she built, possibly with the help of her boys, a little school room near the home, where she taught and trained them as no school and college could have taught and trained them. But she did not live to see the full fruition of her labors. Her boys were established in life but had not the distinction later on acquired, as she died in February, 1809.

Francis West Gibson, the oldest, preferred a quiet country life. He was of strong personality, determined and positive, with an eye bright with the fires of intelligence. He was a most interesting talker and on several occasions I greatly enjoyed his descriptions of people and their doings. It is said of him that he was once convicted, as told by the late Judge Graham, of a minor assault, and sentenced to pay a fine, be confined in the county jail for ten days, pay the costs and be in the custody of the Sheriff until the sentence was complied with. The Sheriff had reached the door of the court room with his prisoner when Gibson turned and said in a loud voice, "See here Judge! can't you postpone this thing for a short time? I'm in the midst of harvest and it's damned inconvenient for me to go to jail just now." The Judge took it in good part and said he was sorry for him but he could not help him. It was characteristic of the man.

George Gibson was the second of these three boys and was born at the Westover Mill property in 1774. At the age of 20 years he entered the importing house of Alexander M'Donald in Bal-

timore and became Supercargo of a vessel in the East India Trade. On May 3rd, 1808—the day Winfield Scott became Captain of Artillery—he entered the Army as Captain in the 5th Infantry, became Major of the 7th Infantry, Lieutenant Colonel of the 5th Infantry, and served throughout the war of 1812, until the reduction of the army in 1815. In 1816 he became Colonel and Quartermaster General and was assigned to the Southern Army under Gen. Andrew Jackson, then fighting Indians. In 1818 he became Commissary General of Subsistence, was brevetted Brigadier General in 1826, and in 1848 was brevetted Major General for meritorious services in the war with Mexico. He died in Washington, September 30th, 1861, after a military service of 53 years. General Jackson was his warm admirer and personal friend, and relied greatly upon his judgment and advice. He was universally popular in the army and in Washington, during his long residence there.

John Bannister Gibson, the third son of Col. George Gibson and Ann Gibson, his wife, was born at the Westover Mill homestead on November 8th, 1780. A country life as one of four sturdy brothers, hunting, trapping, fishing, working on the farm, in the garden, and in the little mill, going to school to a beloved mother, who trained them for their life work, was an ideal boyhood, which gave rich results in after years. Under his mother's training John Bannister Gibson was prepared for and entered Dickinson College in the class of 1798. He must have entered college a year or two prior to 1798 for he became a member of the Union Philosophical Society in 1797. In the class of 1798 were John Byers Alexander, nearly 18 months younger than Gibson, who was graduated and became a leading lawyer in western Pennsylvania, residing in Greensburg, and George Metzger, born November 19th, 1782, and therefore two years younger than Gibson. Neither Metzger nor Gibson was graduated. It has been said that Gibson was rather young for college. The learned President of this Association, Dr. Himes, graduated at the age of 17 years. The late Gen. R. M. Henderson had graduated and been admitted to practice law when

he was but little more than 20 years old. Early graduation is perhaps more desirable than at a more mature age. It settles one into his life work in the freshness and vigor of early manhood. Gibson read law with Hon. Thomas Duncan and was admitted to practice in 1803. He opened an office in Carlisle, then in Beaver, in Hagerstown, Maryland, and returned to Carlisle in 1805. Metzger read law first in Lancaster, then in Carlisle in the office of David Watts, Esq., and was admitted to practice in March, 1805, the year in which Gibson returned to Carlisle. In the office of David Watts, Esq., with Metzger, were John Byers Alexander, Andrew Carothers, and William or John Wilkins, all of whom became distinguished lawyers. Gibson was not successful as a practitioner. In 1810 he became a member of the Legislature, and on October 8th, 1812, was married in Carlisle to Sarah W. Galbraith, and in 1813 he was appointed President Judge of the 11th Judicial District of Pennsylvania; in 1816 he was appointed an Associate Justice of the Supreme Court of Pennsylvania, on the death of Judge Brackenridge of Carlisle; in 1827, Chief Justice of the Supreme Court of Pennsylvania, and in the following year headed the Presidential Electoral Ticket in Pennsylvania in the interest of Gen. Andrew Jackson, who carried the State by an enormous majority. In 1838 the Constitution of Pennsylvania was changed. It affected the tenure of office of the Supreme Court Judges. An appointment of a Chief Justice, it was supposed, would remove the difficulty. Chief Justice Gibson, a Democrat, resigned and was at once appointed Chief Justice by the Whig Governor Ritner. The University of Pennsylvania that year conferred upon him the degree of LL. D., and a little later on Harvard University, at Cambridge, Mass., also conferred the same degree upon him. Then came the change in the Constitution of Pennsylvania which made the Judges elective, and gave them rank according to priority of commission. The Chief Justice of the Court is the Judge whose commission first expires. The position can never again be held by one man for 24 years. Chief Justices of the Supreme Court of Pennsylvania now become such in rotation or by survival and no longer owes the office to preëminent ability,

learning, and integrity. The Democratic Convention met in Harrisburg in June, 1851. Five candidates were to be nominated for Judges of the Supreme Court. Judge Gibson was then almost 71 years old, and he was the only one of the Judges then upon the bench of the Supreme Court to be nominated under the amendment to the Constitution, and it was the lawyers, not the politicians in the Convention, that secured his nomination, and it was given to him because of his great integrity, grand character, and unsurpassed ability. Gen. Simon Cameron urged upon him the necessity of doing something for his own election, but he said that "he would give no sign that he accorded with partisan methods in filling the office," and he did not publicly express any desire to be elected. He stood upon his record as a Judge. Yet in a quiet way he asked some friends in the Whig party to do what they could for him. One of these friends was my father, then a Whig leader in Lower Frankford township, and who at one time was the business partner of Judge Gibson's son-in-law, Charles McClure, Esq., under the firm name of Hays & McClure, Iron-masters. George Gibson, a son of the Judge, came out to see my father, and said that his father sent to ask if he could not do something for him among the Whigs of Frankford Township. My father went into the house and came out with a note of introduction to James B. Leekey, Esq. of near Bloersville, a Whig leader in Upper Frankford, and requested him to do what he could for Judge Gibson's election in his neighborhood. Among the papers of Squire Leekey's estate years afterwards that note was found with a note from George Gibson to the Squire. A few years ago that note was sent to Mrs. George Gibson, whose husband was a son of the Judge, and who died as Colonel of the 5th Infantry, once commanded by his uncle, Gen. George Gibson.

Judge Gibson was elected in October, 1851, and took his new seat on the bench of the Supreme Court as an Associate Justice in January, 1852, having drawn a term of moderate length. On May 3rd, 1853, he died in Philadelphia, and was buried in Carlisle in the old graveyard on May 5th, 1853. For

40 years he had been a Judge in Pennsylvania with a salary and *per diem* expenses of probably under an average of \$2,000.00 per year, and at the time of his death his estate, including what came to him through his wife, amounted to about \$30,000.00. His classmate, Metzger, retired from practice after 25 years with a competency of over \$40,000.00, the savings from which during nearly 50 years more of life, made a very handsome estate.

Such is the bare outline of the life of Chief Justice John Bannister Gibson. What of the Man and of the Judge? It is difficult to answer briefly and intelligently. It is safe to say that no other man ever sat upon the bench in Pennsylvania that measured up to the standard of manhood as Judge Gibson did. He towered above them all. To everything he turned his attention he devoted the great powers of his mind and he excelled. His constant aim was to be true to himself and to do the best he could, and his best was superexcellent. In music, in painting, in poetry, in medicine, in dentistry, in geology, in all mechanical work, experts came to him for advice and instruction, for he excelled in all. His composition in Latin or in English could not be surpassed, as shown by the epitaphs he wrote for monuments to prominent men. His versatility was amazing. He was a dozen experts embodied in one great frame and controlled by a mind superior to them all combined. With all this amazing ability he was a gentle-hearted, innocent-minded, lovable man in his family and to the world. Those who knew him, loved him, and he appreciated in a gentle way the love that was given to him. He was opposed to dissension and wrangling of any kind, in any place. The late Wm. H. Miller, Esq., of Carlisle, said that in opening his first case in the Supreme Court he stated that it had created among the lawyers and judge in the lower court a great deal of ill feeling. Chief Justice Gibson interrupted him curtly by saying, "Young man, we'll have nothing of that kind in this Court. Proceed with your argument." His recreations were the theatre, musical concerts, playing on his violin, mechanical work, and social meetings and games.

Mr. Metzger was for years accustomed to invite a number of gentlemen to his house to games of quoits, etc., in his side yard. Judge Gibson, when in town, was always one of the party. After the games were over some slight refreshment would be served *al fresco* by Mrs. Blaine, or by her daughter. The quoits they used on those occasions are in my possession. Think of a stately Chief Justice of the Supreme Court of Pennsylvania pitching quoits like a boy! The players were practically in the country, laid aside their dignity with their coats and went into the game *con amore*.

Some 70 volumes of Law Reports show his work upon the bench. He sat as a Judge in the Supreme Court on over 6,000 cases and delivered opinions in over 1,200 of them. Think of the enormous labor involved in clothing in pure English, in words of the exact shade of meaning to clearly convey the desired idea, the exhaustive reference to legal authorities, and the evolution of new principles of law founded upon the highest reasoning and upon other settled principles, and you will gain some slight conception of the vast work Judge Gibson accomplished. It is said that in writing his opinions his great book of reference was one of synonyms. He sought the simplest, clearest Anglo-Saxon terms that could be found to express the heart of the idea he wished to convey. His opinions are models, the principles he applied to facts are of the purest and most correct, and are recognized in all courts, at home and abroad, where the English language is known. The concensus of opinion is that he was the ablest Judge that ever sat upon the bench in Pennsylvania, and that he had no superior anywhere. His purity of heart, his integrity of purpose were only equaled by his ability.

That such a man ever lived in Carlisle is an honor to the town. Her citizens may well be proud of the fact that within the space of a little over six hundred feet on the same side of the same street lived four such Judges of the Supreme Court of Pennsylvania as Chief Justice Gibson and Justices H. H. Brackenridge, Thomas Duncan and John Kennedy.

No male descendant bears the family name of the old Innholder of Lancaster. Four generations have come and gone and all have done the noble work of noble-minded, strong-armed men. No Gibson "foot-print" of a lineal descendant from the old Innholder of Lancaster will again appear upon "the sands of time", but the duty rests upon you, Mr. President, and the Association over which you preside here in Carlisle, to do honor to and preserve for all future generations the memory of the greatest one of these four generations—"John Bannister Gibson, the last of the Chief Justices under the Constitution of 1791," as he describes himself in his will.

Sometime in the prime of his life a plaster mould was taken of the head and bust of Judge Gibson—it is unknown by whom or when. It must have been some years prior to 1845, for a cast from it surmounted the law library of the late Samuel Alexander who died July 30th, 1845. When the room ceased to be used for an office, about 1851 or 1852, the bust was stowed away in the garret of the house. A slight stain was on the face and a corner of the base of the bust was broken. In that condition it came to me and for years it has rested over my law library. Mr. Thomas P. Roberts, the author of that most interesting volume "Memoirs of John Bannister Gibson, late Chief Justice of Pennsylvania," the worthy grandson of the Judge, has commissioned me to present in his name to The Hamilton Library Association a bust of his distinguished ancestor Chief Justice Gibson. In discharging this duty I beg to impress upon you, Mr. President, and upon the members of the Association, the honor conferred upon you, and the charge that you keep safely this lifeless facsimile of the grand head and noble features of the greatest and noblest Judge that ever graced and dignified the Courts of Pennsylvania, so that generations of the future may see and study the manner of man that great Judge was. In the name of Mr. Roberts, I now present to you the cast of the head and bust of John Bannister Gibson, LL.D., late Chief Justice of the Supreme Court of Pennsylvania, and for 40 years an eminent and upright Judge.

SPEECH OF ACCEPTANCE

BY

DR. CHARLES F. HIMES.

It becomes my pleasant duty to receive on behalf of the Hamilton Library Association, the officially recognized historical society of Cumberland County, the bust of the great Chief Justice of Pennsylvania, John Bannister Gibson, presented by you on behalf of his grandson, Thomas P. Roberts, Esq., of Pittsburgh, Pennsylvania. I beg to express the cordial thanks of the Association, and its great appreciation of this gift, highly valued on account of its historical associations. At the same time I extend to you the thanks of the Association for the exceedingly interesting, and historically valuable address with which you have accompanied the presentation.

In receiving the gift I feel that it may not be out of place to add a few words in regard to the place it may hold in the collection of the Association, suggested by the character of the man represented.

Dominated by Anglo-Saxon, or perhaps even more by Scotch-Irish instincts, we are prone to esteem almost to the point of worship, superb fighting qualities in the individual, and are inclined to place those exhibiting them on the highest pedestals, and to erect to them the most overtowering monuments, in recognition of what may be regarded as deeds of personal valor. Without derogating in any degree from the claims of such to the highest patriotic regard, may it not be allowable to suggest that we may forget that there are great public services outside of, beyond, at times, perhaps, even far above these, at least equally worthy of recognition.

The occasion that brings us together this evening has suggested this line of thought. It is no military hero that we crown to-night, only a plain simple citizen, without any trap-

pings, but with a highly endowed intellect not utilized in the channels of trade or industrial profit, but devoted unreservedly, unselfishly, with remuneration small compared with the services rendered, to the highest interests of his fellow citizens. His was a life that emphasizes the trite saying that, "peace has its triumphs as well as war." It is law that makes a community out of incoherent, hostile, savage clans; that as a rule of conduct for the individual tends to regulate and harmonize the discordant notes of society. It is not only the highest expression of human intellectual activity, but it is as well the most enduring in its life and influence. The legions of Rome carried her conquests to the most remote parts of the then known world; their remains are everywhere; their camps and the ruins of their works tell of their occupation all over Europe. All are lifeless. But Rome still lives in her system of jurisprudence, her greatest contribution to our day, in some of the most highly civilized nations of our time, not enforced by its military power, but taken up, after that power had been long broken, by tribes emerging into civilization, because adapted to their social needs. The Code Napoleon survives in other communities where his rule was overthrown, and after his remodded map of Europe has become a curio of history. English law, with order in its wake, is Britain's highest justification of conquests that seem to originate in purest selfishness.

This law, silent in war, reasserts itself after the horrid surgery of war is over, and by its benign influence helps to restore the blessings of peace. The features that have been unveiled to you tonight in the work of art presented to your historical society are those of one universally recognized as preëminently learned in the law, a great lawyer, but above all a great honest, upright judge, great in the interpretation of law, whose sole aim was the ascertainment of truth,—a truly great man, who not only left his impress upon his time, but projected his influence far down into the future, for many of the opinions of Chief Justice Gibson are not simply classics, but are recognized landmarks by those of today busied with the application of the

law; appealed to not only in the courts of our Commonwealth, or those of the system of commonwealths of which we form a part, but wherever English law follows the drum beat of Britain's army.

This man we are proud to claim in high degree as a product of our beautiful valley; born on its confines and passing there his boyhood; receiving his intellectual training here, in our own college; entering upon his legal career here, and ever turning in his subsequent honored career to old Carlisle with affectionate regard; and here his remains rest in our old graveyard with those of many others of the honored dead of our county. But such men never die but live on in the legacy of thought they have given to the world. What their pens have traced is more enduring than the records made by the sword.

In behalf then, not only of the Hamilton Library Association, but of all the citizens of our county I accept this bust of the great judge, assuring you that it will have a place of honor worthy of the man, knowing that though its lips are mute it will have a silent eloquence all its own, inspiring and encouraging all who may look upon it to emulate his many civic virtues.



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